



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6
12/17/02

In re the Application of

Oliver STANCHFIELD

Group Art Unit: 3637

Serial No.: 09/920,855

Examiner: Tran

Filed: August 3, 2001

For: WATER GUARD MOLDING AND METHOD OF INSTALLATION

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RECEIVED

DEC 12 2002

GROUP 3600

Sir:

The Examiner has made an election of species requirement between the following species for the prosecution on the merits:

- Group 1 - FIG. 1;
- Group 2 - FIGS. 2-4A; or
- Group 3 - FIGS. 5-7.

In response to the Election of Species Requirement, applicants hereby elect Group 1 (Fig. 1), and respectfully request that the non-elected subject matter be permitted to remain pending until divisional application(s) can be filed. Claims 1-3, 5-15, 27-30 and 32-34 read on Group 1.

This election is made with traverse since it appears that a search of the subject matter of the elected species would, of necessity, overlap the search area of the non-elected species. Thus, adherence to the requirement would chiefly result in unnecessary work for the PTO in processing separate divisional application(s); unnecessary expense for the applicant in filing

it and unnecessary inconvenience to the public in looking in two separate places for closely related subject matters.

It is noted that MPEP 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In view of the foregoing, it is submitted that the Restriction Requirement should be withdrawn.

Respectfully submitted,



TPP/mat
Attorney Docket No.: TPP 31390

Thomas P. Pavelko
Registration No. 31,689

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

Date: December 10, 2002